

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA	:
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-v-	:
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CHAIM LEBOVITS ET AL.,	:
	:
Defendants.	:
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	:
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Hon. Sterling Johnson, Jr.
11-cr-134-SJ-SG

**DECLARATION OF JOSHUA R. GELLER, ESQ. CONCERNING THE
ELECTRONIC FILING OF DEFENDANT MOSES NEUMAN'S MOTION
TO SUPPRESS EVIDENCE DERIVED FROM WIRETAPS**

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

Joshua R. Geller hereby declares under penalty of perjury that:

1. I am an attorney duly admitted to practice in this Court. I am an associate in the law firm of Hafetz Necheles & Rocco, counsel to defendant Moses Neuman in this action. I submit this declaration pursuant to the guidelines set forth in this Court's cm/ECF User's Guide with respect to technical failures of electronic filing. *See* User's Guide at 10.

2. On October 14, 2011, I attempted to file electronically Mr. Neuman's motion to suppress. The E.D.N.Y. Public Web Site was unable to accept the filing due to a technical failure. I attempted to file electronically two times after 12:00 p.m., and these attempts were separated by more than one hour.

3. Accordingly, I am filing the motion papers today, which is the next business day.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 17, 2011.

s/Joshua R. Geller

Joshua R. Geller